UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.4/1996/SR.49
6 June 1996

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 49th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 18 April 1996, at 3 p.m.

Chairman:	Mr. VERGNE SABOIA	(Brazil)
later:	Mr. LEGAULT (Vice-Chairman)	(Canada)
later:	Mr. VASSYLENKO (Vice-Chairman)	(Ukraine)

CONTENTS

STATEMENT BY MR. VICTOR HUGO CARDENAS, VICE-PRESIDENT OF THE REPUBLIC OF BOLIVIA

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.96-12607 (E)

The meeting was called to order at 3.15 p.m.

STATEMENT BY MR. VICTOR HUGO CARDENAS, VICE-PRESIDENT OF THE REPUBLIC OF BOLIVIA

1. Mr. CARDENAS (Observer for Bolivia) said that for the past 14 years Bolivia had been living under a democratic regime which enabled different political parties to alternate in power. Municipal elections were held regularly and, since 1985, the Government had launched a series of structural reforms in the economic, social, legal, cultural and ethnic fields. In 1994, Bolivia had begun a process of economic democratization which had led to the privatization of more than 50 State enterprises and the capitalization of the 6 largest. Capitalization involved a link-up between a national firm and a foreign investor who contributed modern technology and management techniques, the entire capital and ran the firm. Once the firm was capitalized, 50 per cent of its total worth was distributed by means of pension funds to all citizens of pensionable age. As a result, and in contrast with the past most of the Bolivian people, and in particular the indigenous population, were covered by a social security regime.

2. Bolivia's macroeconomic performance had become positive. Its annual growth rate was 4.5 per cent. Inflation, which had been 12 per cent in 1995, should rapidly be reduced to single figures. The challenge facing Bolivia was to preserve macroeconomic stability while enabling Bolivian families, the indigenous communities, peasants and citizens to enjoy tangible benefits.

3. Political authority had been democratized as a result of administrative decentralization and grass-roots participation. Nine departmental administrations, each of which possessed a board elected by the municipalities, had been established. The municipal authorities, which had risen from 20 to 311 in number, exercised wider authority and involved indigenous, grass-roots, urban and rural organizations in conformity with ILO Convention No. 169. A share of national tax revenue was used to solve local problems; funds were allocated on a per capita basis, thereby setting urban and rural inhabitants on an equal footing.

4. In order to orchestrate those changes, the Executive had reorganized its economic activities in the Ministry of Economic Development and its social activities in the Ministry of Human Development. Both ministries came under the authority of the Ministry of Sustainable Development, which sought to ensure economic and social development while preserving the environment. Thus, an ecological impact assessment was made of all development projects.

5. During the previous 14 years the electoral process had been consolidated and politics had developed into a dialogue between the Government and the opposition. Election results had become completely trustworthy. The voting age had been reduced from 21 to 18 and the electorate's social composition had broadened as a result. All indigenous people, both men and women, were entitled to vote and to stand for election. In the December 1995 municipal elections, approximately 35 per cent of mayoral and municipal councillors' seats had been won by indigenous candidates. A bill designed to enhance the transparency of funding for political parties and democratize them in order to foster participation by indigenous people was before the Bolivian Congress.

6. The Government had established new democratic institutions: the Constitutional Court, the Judicature Council, which was responsible for punishing judicial malfunctions, and the Ombudsman, who was responsible for ensuring that the administration respected individual rights and who was to be provided with an assistant for indigenous affairs. The persons who had elaborated the draft code of criminal procedure had endeavoured to take into account indigenous traditions and dispute-settlement customs. A law adopted in early 1996 made it possible to grant persons with a low income bail on oath and had put an end to serious economic and social discrimination. Pre-trial detention was the exception rather than the rule. A further provision benefiting indigenous populations was the Act abolishing prison sentences and enforcement by committal for debt, which had been adopted in December 1994. A total of 500 persons, most of them indigenous, had so far been released. In addition, the rights of the defence had been strengthened.

7. In December 1995 the Act on domestic violence had been adopted; the Act was in conformity with the Convention on the Elimination of All Forms of Discrimination against Women, which had been ratified by the Bolivian Congress in 1989. Hitherto, the Act had mainly been invoked by indigenous women living in towns, although the authorities were endeavouring to extend its scope to indigenous and rural areas.

8. The theft and plundering of cultural property had been classed by international treaties as extraditable crimes, thereby making it possible to protect the cultural and historical heritage of the indigenous populations. He was himself of indigenous origin, and emphasized that for the first time in 500 years, Bolivia, where the majority of the population was indigenous, had been recognized in the Constitution as a multi-ethnic and multilingual country. Constitutional and juridical recognition of the indigenous populations and their traditional institutions currently ensured that they were fully able to exercise their rights.

9. As part of an unprecedented process of cooperation between the Government and peasant, indigenous and entrepreneurial organizations, a bill had been drafted providing for the establishment of a National Land Institute, responsible for securing the rights of indigenous peoples over their ancestral land and reasonable exploitation of natural resources by peasants and farmers.

10. The present educational reform was extending throughout Bolivia an experiment in inter-cultural bilingual education which fostered respect for and development of the national languages and cultures, both indigenous and non-indigenous, and enabled Bolivian children to learn in their own language and to improve their knowledge of Spanish, and in secondary schools, of a foreign language.

11. Bolivia was a victim of the growing worldwide demand for drugs, which served the interests of traffickers and those who laundered drug money. Some peasant and indigenous families were compelled to grow coca leaf in order to survive. The authorities were endeavouring to correct the possible excesses of the security forces in their efforts to combat the drug scourge, and to improve the relevant legal provisions concerning the constitutional rights and guarantees of individuals. Human rights and ombudsman's offices had been

opened in coca-producing zones to register complaints of abuses. Bolivia reiterated its proposal for the rapid convening of a world conference on drugs under the aegis of the United Nations.

12. In 1993 the Executive had established the National Secretariat for Ethnic Affairs, currently headed by an indigenous Quechua. Every two months the Government, through the office of the Vice-President of the Republic and representatives of the Executive, met with leaders of the indigenous populations to assess the work performed and to identify new tasks. His Government, which reaffirmed its attachment to the objectives of the International Decade of the World's Indigenous People, had established a national committee for the Decade and would support the adoption of a draft declaration on the rights of indigenous peoples.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 10) (continued) (E/CN.4/1996/3, 4 and Corr.1 and Add.1 and 2, 6, 7, 9, 12, 16 and Add.1, 54-57, 59-65, 66 and Corr.1 and 2, 67 and Add.1, 68, 69, 107, 111, 114, 115, 119, 121-131, 133, 135, 139, 145, 146, 149, 150, 154; E/CN.4/1996/NGO/9, 10, 12, 16-18, 21, 29, 30, 36, 44, 52, 54, 57, 58, 62, 67-69, 80, 87; A/50/471, 567-569, 663, 734, 767, 894; S/1996/203)

13. Mr. MADADHA (Observer for Jordan) said that Jordan was well known for the moderation it always displayed, even in the most difficult of circumstances. At the beginning of the session, his delegation had requested Israel to show restraint in combating terrorism and to take into account the rights of the populations with which it had to coexist. Unfortunately, the world was witness to the alarming events in Lebanon, which posed a serious threat to peace in the region. The killing of Lebanese children and civilians during indiscriminate bombardments by the Israeli army was as despicable as the killing of Israeli civilians in blind attacks.

14. Most of the peoples in the Middle East had been living in terror for decades and wanted the conclusion of a just and comprehensive peace between the Arab countries and Israel. Only the end of the occupation, within the framework of a comprehensive settlement, could put an end to the violence. For that reason, Jordan, which had always been in the forefront of those demanding a just and lasting peace settlement with Israel, believed that negotiations should be continued at the highest level.

15. Mr. NSEIR (Observer for the Syrian Arab Republic) said that, at its previous sessions, the Commission had adopted resolutions on human rights in southern Lebanon and the western Bekaa, condemning Israel and requesting it to put an end to its oppressive practices, in conformity with Security Council resolution 425 (1978). Clearly, Israel was continuing to turn a deaf ear. Since 11 April 1996 it had even begun a vicious large-scale war against Lebanon, involving the bombardment of numerous civilian targets. Even more than in the past, the Commission should condemn Israel for its continual and premeditated violations of human rights, of international law and of

international humanitarian law, not only in southern Lebanon but throughout Lebanese territory. The aggression was proof of Israel's expansionist ambitions in southern Lebanon and of its intention definitively to occupy that part of the country. The Commission should request Israel to comply with the Fourth Geneva Convention, to implement Security Council resolution 425 (1978) and to respect the sovereignty, independence and territorial integrity of Lebanon. There would be no security in the Middle East until Israel had withdrawn from all the occupied Arab territories. Lastly, it was unfortunate that in its statement on behalf of the European Union, the delegation of Italy had at no point referred to the tragic situation in Lebanon.

16. Mr. MBONIMPA (Observer for Rwanda) said he had been surprised, when the report on the human rights situation in Rwanda had been presented (E/CN.4/1996/7 and 68) to hear the Special Rapporteur assert that the current human rights situation in Rwanda had hardly changed. He was obliged to point out that the human rights situation in Rwanda should be assessed in the light of the scale of the unprecedented drama Rwanda had experienced in 1994.

17. The Commission would have been better informed if the Special Rapporteur had drawn attention to the progress made, particularly towards rehabilitating the judicial apparatus, improving conditions of detention and repatriating refugees. In less than 2 years, thanks to the assistance of the international community, almost 650 members of the judicial personnel had been trained. The President and Vice-Presidents of the Supreme Court had been appointed, as well as the other members of the Judicature Council. In addition, most of the buildings intended for the prosecution services and the courts were being repaired.

18. In view of the extent of the task, which required exemplary and equitable justice so as to eradicate the culture of impunity, the Government of Rwanda had engaged in a thorough review and organized a wide-ranging debate. The Council of Ministers had adopted a bill on the organization, operation and competence of the specialized chambers which would be responsible, within the traditional judicial structure, for dealing with cases linked to the 1994 genocide and the massacres. The bill provided, inter alia, for criminals to be classified in accordance with their degree of responsibility, for substantially reduced sentences for criminals who admitted their crimes and pleaded guilty, for judges to commute prison sentences to an equal period of community work, and for streamlining the regular procedures. It was essential to emphasize that the international community had a duty to play an active role in punishing the crimes committed in 1994. In that respect, his delegation commended those countries which, in conformity with the relevant resolutions of the Security Council, had arrested Rwandan criminals on their territory, and it encouraged them to respond favourably to the applications for extradition submitted to them by Rwanda.

19. Mr. NASSERI (Observer for the Islamic Republic of Iran) pointed out that the serene atmosphere of the session's first meetings had given way to frenzied activity and intrigue, in order to ensure that existing "targets" remained on the roster while new targets were being identified. Having vanquished the East, the Western gladiators were seeking fresh prey in the South. The Commission could decide to carry on working in the spirit that

had prevailed at the time of the cold war, albeit along the new North-South divide, even though human rights would suffer, or it could decide to adjust to new circumstances.

20. In that context, it was imperative to put an end to a conflict which was threatening to get out of hand. In order to do so, measures were required to put an end to the politicization of debates and to the selective practices currently followed by the Commission. The problem was particularly acute where specific country situations were concerned, for there was a tendency to multiply special procedures. There should be a return to certain agreed basic principles and in particular for the non-selective application of existing procedures and mechanisms to specific country situations; the enhancement and promotion of impartiality and objectivity when referring to certain situations, both in the reports by special rapporteurs and representatives and in the debates, and for specific cases to be addressed in the light of reality and not of political criteria. First and foremost, it was necessary to promote and protect human rights through international cooperation and solidarity, as proclaimed in the Charter, the Universal Declaration and the Vienna Declaration and Programme of Action.

21. For that purpose, it was particularly important to seek alternative ways of addressing country situations, minimizing as far as possible the need to resort to political tactics. Everyone knew how much intimidation and bullying were used to influence votes. In addition, if the special procedures were satisfactory - which was the case if they were used in conformity with the defined objective - there was no reason why they should not be applied to all countries in the world.

22. With regard to the situation in Iran, the members of the Commission were aware how the process had begun and at whose behest. The mandate dated back more than 10 years, since when many things had changed, and the Islamic Republic of Iran did not deserve to be singled out in that way. Nevertheless, Iran had decided to give constructive cooperation a chance. The report by the Special Representative (E/CN.4/1996/59) contained objective elements and could constitute an acceptable basis for a constructive dialogue. However, that did not mean it was devoid of erroneous information or questionable judgements, although his delegation had no intention either of refuting them or engaging in polemics. The points at issue were familiar to all the members of the Commission and stemmed from the contrast between a religious and a secular view of the world. The Iranian authorities none the less believed that it was only possible to promote and protect human rights through international cooperation and solidarity. For that reason, they had fully cooperated with the Special Representative, invited the Special Rapporteurs on the question of religious intolerance and on the right to freedom of opinion and expression to Iran and were prepared to continue to cooperate with the Special Representative and the Special Rapporteurs and to consider their observations, conclusions and recommendations in a constructive manner.

23. Mr. MBYE (Observer for the Gambia) drew the Commission's attention to the fate of migrant workers in many parts of the world. Protecting the basic rights of migrant workers and securing their safety would be in keeping with the principles of the Commission and would above all demonstrate its determination to combat human rights violations, wherever they occurred and regardless of who was responsible.

24. The Government of the Gambia had recently been informed of the death of one of its citizens, Mr. Ebrima Sey (alias Mambiran Sey) while in custody in the United Kingdom. It had been confirmed that the British police had used a highly toxic gas in order to arrest him. Consequently, the Government of the Gambia wished to know the exact circumstances of Mr. Sey's death, the composition of the gas used and the reason why the British police had found it necessary to use such methods to arrest an unarmed and helpless human being. His delegation expressed its deep dismay and disgust at that kind of inhuman treatment, which was usually reserved for foreigners, and in particular for Africans. It was extremely disappointing to observe that such acts, which demonstrated total disregard for human life, could occur in a country that claimed to be the "mother of all democracies".

25. He also informed the Commission that the transition programme leading to democratic constitutional rule in the Gambia was firmly on course and that presidential and general elections would be held at the end of 1996.

26. Mr. MUNTASSER (United Nations Population Fund (UNFPA)) said that, since its inception, UNFPA had remained loyal to the principle that every nation had the sovereign right to determine its population policy. However, that policy should be consistent with universal norms on human rights and individual freedom, justice and the survival of minority groups and the basic right of all couples and individuals to decide freely and responsibly the number and spacing of their children.

27. Supporting reproductive health and human rights, including reproductive rights, was a major part of UNFPA's work. In view of the increased violations of basic rights and particularly the rights of women, in recent conflicts, in June 1995 UNFPA had signed a Memorandum of Understanding with UNHCR in order to lay the foundations of cooperation for the benefit of refugees, internally displaced persons and returnees. UNFPA and UNHCR were jointly developing strategies and programmes to meet the reproductive health needs of refugees and to promote their reproductive rights.

28. In conjunction with UNHCR, WHO and UNICEF, UNFPA had developed guidelines for field staff on the integration of reproductive health into emergency relief operations and humanitarian assistance. Reproductive health projects in emergency situations had been launched in countries hosting refugees. In addition, the Fund had carried out projects in Bosnia and Herzegovina and in Croatia, as well as in various countries in central and western Africa to meet the needs of women traumatized by violent events and the health needs of adolescents. It had recently taken part in a multisectoral mission in Bosnia and Herzegovina to assess development needs, define priorities and draw up a global programme which would be implemented with the cooperation of the whole of the United Nations system.

29. Mr. LAMDAN (Observer for Israel) said that his statement would focus exclusively on the situation in Lebanon, which was going through an acute phase.

30. The Government of Israel demanded that the Government of Lebanon take control of the Hizbollah terrorists and prevent them from attacking Israeli civilians in the towns and villages on Israel's northern border. Israeli

operations would cease when Hizbollah permanently ended its attacks, which, since 1 February 1996, had killed eight Israelis and wounded many more. Israel had initially endeavoured not to respond to the provocations. It should be pointed out that Hizbollah was inspired, financed and equipped by the Government of Iran, whose sole objective was to undermine the peace process and, if possible, the very existence of Israel. The Government of Israel had sent several warnings, through political and diplomatic channels, to the Government of Lebanon as well as to the Government of Syria, which exercised considerable influence over the situation. Those messages had all been ignored and the Israeli authorities had been obliged to take measures to protect the population in the north of Israel.

31. He wished to clarify a number of points: the Government of Israel was exercising its right to self-defence under Article 51 of the Charter; its wider objective was to protect the peace process and to conduct peace negotiations with Lebanon and Syria; it had no territorial claims on Lebanon and no intention of engaging with either the Lebanese or the Syrian armies; Hizbollah had breached all previous understandings and agreements; although the world's leaders had declared war on terror at the Sharm al-Sheik Conference, Hizbollah was plunging further into terrorism. The Israeli authorities would not permit Hizbollah to pursue its murderous activities behind the shield of Lebanese civilians. Their purpose was not to injure Lebanese civilians but to destroy Hizbollah targets. Hizbollah's infrastructure throughout Lebanon, including Beirut, would not enjoy immunity; if Israeli facilities were attacked, corresponding facilities in Lebanon would be hit with superior force. Israel's operation was not limited in time but defined by the achievement of its aims.

32. Under international law, no State could allow its territory to be used for acts which threatened or harmed the territorial integrity or political independence of another State. The Government of Lebanon had abdicated its international responsibilities. It bore the responsibility for demonstrating that it was capable of guaranteeing the security and stability of the border between Lebanon and Israel.

33. U LIM MYAING (Observer for Myanmar) said that a detailed description of the situation in Myanmar had been provided in document E/CN.4/1996/139, which was available to all delegations. It was thus regrettable that some of them should have made unfounded allegations about Myanmar during the discussion.

34. The Government and people of Myanmar believed that the country's development and the fulfilment of its population's rights necessarily required peace, stability, the prevalence of law and order and the establishment of a new Constitution. With but one exception, the armed groups which had fought against successive Governments had decided to cooperate with the authorities, within the law. Negotiations were under way with the one remaining armed rebel group. Despite its limited financial and material resources, the Government had spent US$ 400 million on implementing a programme for the development of border areas and national ethnic groups, reducing poverty and eliminating poppy cultivation.

35. The Government of Myanmar believed that a people's essential right was to be able to provide itself with food and clothing and to live in adequate housing, and was endeavouring to raise the standard of living of all citizens.

The agricultural sector was the mainstay of the economy and enjoyed high priority in the liberalized economic policy implemented by the Government. Peasants - who made up 70 per cent of the population - had been the primary beneficiaries of that policy. The Government was also striving to improve the people's social conditions. As a result of the progress made in the political, economic and social fields, many detainees who no longer threatened State security had been granted an amnesty and would also be able to take part in national reconstruction.

36. Myanmar was well known throughout the world for its culture of tolerance. Discrimination on grounds of race, religion, language or sex was non-existent and the status of women was one of the highest in the world. The National Convention was laying the foundations for a new Constitution that would guarantee the establishment of a democratic State based on the universal values of justice, liberty and equality. The Government reaffirmed its attachment to the human rights principles set out in the Charter of the United Nations and in the Universal Declaration of Human Rights.

37. Mr. LEGAULT (Canada), Vice-Chairman, took the Chair.

38. Mr. GJONEJ (Albania) said he welcomed the cooperation between States and the human rights mechanisms, and the recent settlement of a number of conflicts which, by taking into consideration collective rights had opened the way towards respect for the rights of the individual. However, a single shot was sufficient to bring all efforts to protect human rights to naught. Progress still had to be made in some regions of the world, and the High Commissioner for Human Rights was the linchpin of the efforts to publicize, monitor and promote human rights.

39. Every democratic Government had an obligation to work towards full respect for and promotion of human rights. The recent experience of Central and Eastern Europe was a sorry illustration of failure to perform that obligation. Since the fall of the autocratic regime, the Government of Albania had made particular efforts to respect and monitor human rights, and in particular the rights of minorities, religious rights and electoral rights.

40. In his report, the Special Rapporteur on the human rights situation in the territory of the former Yugoslavia had emphasized, with regard to Bosnia, that the individuals concerned were no longer content to deal with working groups and commissions but demanded action and tangible results. That observation was particularly appropriate for the Albanian population of Kosovo who, for over seven years, had aspired to a peaceful settlement. They constituted 90 per cent of Kosovo's population but were subjected to the discriminatory legislation instituted by the Serbian authorities. The situation in Kosovo, in contrast to other territories of the former Yugoslavia, was growing worse and the absence of permanent international monitoring had facilitated the repression of the Albanian population by the Serbian regime. In 1995, the Council for the Defence of Human Rights and Liberties in Priština had received information on 16 cases of Albanians who had been killed by the police or had died in prison, 6 of them as a result of torture. It had also recorded approximately 11,000 cases in which persons had been tortured or subjected to other forms of cruel and degrading treatment and 27,000 cases of human rights violations among the Albanian population of

Kosovo. In the circumstances it was vital for negotiations to begin between Albanians and Serbs over the future political status of Kosovo. None of the decisions taken by the Commission had yet been enforced and the Commission would lose its credibility if it continued to allow the Serbian authorities to act with complete impunity.

41. Ms. EIVAZOVA (Observer for Azerbaijan) said that Armenia, which was occupying 20 per cent of Azerbaijani territory, had begun to transfer settlers to the occupied territories. In the wake of Armenia's aggression, more than 1 million people, most of them women, children and elderly persons, had been forced to flee from the occupied territories and were mostly living in tents and under extremely trying circumstances. Refugee children received no education, were underfed and lacked access to proper medical care. In March 1996, the Commission on the Status of Women had vigorously condemned that situation.

42. Since the beginning of the conflict, nearly 5,000 people, most of them civilians, had disappeared and ICRC was not allowed to visit the occupied territories to investigate their fate. The Armenians had broken the cease-fire agreements 586 times, and had killed or wounded hundreds of Azerbaijanis, most of them civilians.

43. Azerbaijan favoured a peaceful and lasting settlement to the conflict, in conformity with the relevant resolutions of the Security Council, and appreciated the efforts undertaken by OSCE and the United Nations to achieve that aim.

44. Ms. DAURE-SERFATY (International Prison Watch) said that in February 1996 her organization had carried out an exploratory mission in Rwanda in order to prepare a project for persons at risk who had been imprisoned following the genocide, the cruelty of which accounted for the imperative need for justice, as a prerequisite for reconciliation, and the scale of which accounted for the large number of prisoners. Her organization had noted an improvement in the prison situation in terms of food, hygiene and the separation of women and children from other detainees.

45. However, despite the efforts made to reduce it, prison overcrowding was still overwhelming, and each detainee was entitled to a visit of only two or three minutes per week and had no form of exercise. There was every reason to fear that their mute quiescence would foster bitterness and hatred rather than reconciliation. The number of detainees was likely to increase further with the return of the 2 million refugees, some of whom had been involved in the genocide.

46. In any event, those who had instigated and perpetrated the genocide had to be brought to trial, even if the number of detainees increased temporarily. Otherwise, vengeance would be the only law and the massacres would continue. Clearly, those responsible for the crimes committed since July 1994 by elements of the Rwandese Patriotic Army would also have to be tried. The Government of Rwanda should be encouraged to reduce the sentences of those who acknowledged their crimes and to devise penalties other than prison, making the guilty take part in national reconstruction. States should also assist the Government of Rwanda with reconstruction, reconciliation and pacification.

47. Finally, her organization commended the decision of the Government of Rwanda not to impose the death penalty on those responsible for the genocide.

48. Ms. MAIWAND-OLUMI (Observer for Afghanistan) drew the Commission's attention to the massacres committed by the occupying Soviet troops, which had been revealed by the discovery of mass graves in the provinces of Herat and Bamyan, as well as at Puli Charkhi and, a month ago, at Jalalabad.

49. Mr. Mirwais Jalil, who had been referred to by the Special Rapporteur on extrajudicial, summary or arbitrary executions, had been abducted and killed on 29 July 1994 in an area controlled by an opposition group. His body had been found only several days later, but had been transferred abroad by his family before an autopsy had been possible. Although the victim's family had not brought the matter before the courts and the crime had been committed in a region outside government control, the Government was actively seeking those responsible, who would face trial.

50. The Government of Afghanistan was endeavouring effectively to promote and protect all human rights and fundamental freedoms in the territory under its control, while preserving respect for human and Islamic values. It vigorously condemned unlawful acts and human rights violations wherever they occurred in the world.

51. Mr. ADIB AL JADIR (Arab Organization for Human Rights) said that his organization forcefully condemned the current aggression against Lebanon by the Israeli army, which was attacking unarmed civilians, firing at ambulances and destroying housing and civilian infrastructures, including power stations, which clearly did not belong to Hizbollah. The international community should first of all demand that Israel immediately cease its aggression and implement Security Council resolution 425 (1978) and, secondly, provide humanitarian assistance to the 400,000 civilians who had been compelled to flee the bombardments.

52. As to other Arab countries, the ratification by Kuwait of the Convention against Torture and the two other international human rights covenants was a welcome step, although it was unfortunate that Kuwait had expressed reservations, particularly with regard to equality between men and women.

53. In Iraq, 99.96 per cent of the voters had approved a constitutional amendment which authorized the Revolution Command Council to designate its head as a candidate for the presidential election. The Council was not an elected body. In Algeria, it was to be hoped that, after the first multi-party presidential elections, in which 75 per cent of the electorate had participated, it would be possible for the democratic process to resume on the basis of a dialogue between all parties, marked by respect for human rights.

54. In the case of Egypt it had been proved that Egyptian prisoners-of-war had been executed by Israel during the conflicts between the two countries in 1956 and 1967. Lastly, in Palestine, the occupied Palestine territories continued to be subjected to blockades and the Palestinians were unable to travel to Jerusalem.

55. Ms. McMILLEN (Friends World Committee for Consultation) (Quakers)), speaking on behalf of the International NGO Working Group on Refugee Women, said it was gratifying that the International Tribunals for the former Yugoslavia and for Rwanda had been authorized to consider gender-specific crimes, especially rape. Unfortunately, however, the victims and witnesses of the crimes committed in those countries were not provided with adequate protection and were exposed to reprisals.

56. For that reason, the Commission should adopt a resolution requesting States to protect persons who cooperated with procedures established by the United Nations and to bring suspects without delay before the Tribunals for the former Yugoslavia and Rwanda. The Commission should also ensure that female experts were involved in the examination proceedings of gender-specific cases and recommend to the High Commissioner for Human Rights that full working relations be established between his office and the two International Tribunals and that his office should pay particular attention to gender-based crimes against women and to protecting witnesses. Lastly, the Commission should encourage the dissemination of information regarding the witness-protection machinery, express the firm commitment of the international community to promoting justice, peace and women's rights and consider the issue at its fifty-third session.

57. Mr. RAFENDI DJAMIN (Regional Council on Human Rights in Asia) drew the Commission's attention to the human rights situation in Indonesia, where the rights of peaceful assembly and freedom of expression were subject to serious restrictions: numerous public events had been banned, censorship was practised, journalists had been convicted and the authorities had refused to recognize the Association of Independent Journalists. The army was involved in most human rights violations and frequently enjoyed the support of the bureaucracy and of private firms. The National Commission on Human Rights lacked both independence and authority, and the courts obeyed the orders of the State. For example, Mr. Sri Bintang Pamungkas, a member of Parliament, was currently facing trial on charges of insulting the Head of State simply because he had exercised his parliamentary prerogative. He faced a six-year prison sentence.

58. In Irian Jaya, the rights of indigenous people were systematically violated. In December 1995, three Amungme had been shot dead by the military in the region of Timika, where a major United States- and British-owned mining company, Freeport/RTZ, was operating. Three of those responsible had been brought to trial, but their indictment had not followed proper procedure. In Nipah, in East Java, four people had been killed and four others wounded in 1993 by military personnel who were dislodging them to permit the construction of a dam. Four soldiers were currently facing trial, but those principally responsible had been left alone. In most cases, total impunity was the rule.

59. The people of East Timor, whose right to self-determination the Government of Indonesia refused to recognize, were continuing to suffer abductions, arbitrary detentions and killings.

60. In conclusion, he commended the visit made to Indonesia in December 1995 by the High Commissioner for Human Rights and said that it was vitally important to establish a United Nations human rights monitoring office in

East Timor. He expressed the hope that the Government of Indonesia would implement the recommendations of the Special Rapporteur on the right to freedom of opinion and expression and the resolutions of the Commission.

61. Mr. ITTY (Anglican Consultative Council) said that his organization had taken note with satisfaction of the report by the Special Rapporteur on the situation of human rights in the Sudan (E/CN.4/1996/62). It remained concerned about the persistent reports of atrocities against children, women and members of racial, ethnic and religious minorities in the Sudan, and it requested the Commission to ensure that the Government of the Sudan complied with its commitments concerning the protection of human rights and fundamental freedoms under the Peace Agreement signed on 10 April 1996.

62. The Government of the Sudan should comply in full with the Commission's resolutions concerning the freedom of movement of human rights monitors within the country. For its part, the Commission should cooperate with significant non-governmental organizations, especially religious organizations which had excellent local contacts.

63. All the available machinery should also be used to ensure that all Governments accused of gross human rights violations were held accountable for their actions, in conformity with their obligations under international humanitarian law and the international human rights instruments.

64. His organization was also deeply concerned about the suffering endured by religious and ethnic minorities in, inter alia, Zaire, Rwanda, Burundi, Pakistan, Myanmar, Tibet and East Timor. It hoped that those member States guilty of human rights violations would continue to be held accountable to the Commission. Lastly, he requested the Commission and Governments, in particular the Government of the Sudan, to cooperate with non-governmental organizations in promoting human dignity.

65. Mrs. GIRMA (African Association of Education for Development (AFASED)) drew attention to the utmost importance of strengthening preventive diplomacy and early-warning machinery, in particular by the timely appointment of special rapporteurs for particular countries. As the Minister for Foreign Affairs of Denmark had observed, "securing human rights costs money, but the cost of doing nothing will be far greater", not to speak of the numerous lives that would be sacrificed for lack of timely action.

66. Regarding the Sudan, AFASED welcomed the negotiations under way under the auspices of the United States and hoped that they would make it possible to reach a political consensus. Demonizing the adversary and internationalizing the conflict was in the interest neither of the region nor of the African continent.

67. Her organization appealed to the international community to help Liberia to put an end to the blood bath there. As to Zaire, she unreservedly supported the recommendations and conclusions of the Special Rapporteur, especially regarding the establishment of a bureau in Kinshasa to promote and protect human rights. All the political leaders of that huge country should work towards political stability by complying with the International Bill of Human Rights.

68. In Equatorial Guinea, the authorities were endeavouring to deceive the international community by releasing political prisoners and then imprisoning them again once the observers had left. AFASED called on the Government to establish an independent electoral commission to ensure the transparent elections and respect for the opposition parties' right to freedom of expression.

69. Lastly, it should be emphasized that South Africa, for which tyranny and dictatorship, under which it had suffered for so long, were the enemies of peace and development, should play a major role in Africa's evolution.

70. Mr. HTUN (Worldview International) said that in Myanmar the rights of citizens, particularly those of the ethnic minorities, were still being violated. Since 1995, Daw Aung San Suu Kyi was no longer under house arrest, but the authorities restricted her movements and contacts with foreign dignitaries - including the representatives of the Secretary-General of the United Nations. There were at least 1,000 political prisoners, including students, intellectuals and artists, who were frequently ill-treated or tortured. The maintenance of a military Government and of martial law opened the way to all kinds of abuse, especially in the judicial field. Political prisoners, particularly members of the National League for Democracy, were denied regular procedural safeguards and sometimes given extremely heavy sentences. The military Government continued to promulgate laws that enabled it to suppress the will of the people and to perpetuate its political and economic stranglehold on the country. He also emphasized that conditions of detention were horrifying and that many people died in jail.

71. In view of that explosive situation, his organization called on the Commission to extend the Special Rapporteur's mandate for one year and to provide him with the necessary assistance to establish the facts about Myanmar.

72. Mr. Vassylenko (Ukraine), Vice-Chairman, took the Chair.

73. Mr. KUMBE (Survival International) said that in Nigeria, the Ogoni people, numbering approximately 500,000, were being persecuted and marginalized by the authorities, in collaboration with multinational oil companies in the delta region. Dozens of Ogoni who had peacefully marched on 4 January 1996 in memory of their compatriots and in celebration of Ogoni Day had been killed or arrested. In order to conceal the current genocide, in February-March 1996 the Nigerian military authorities had intensified their disinformation campaign, particularly towards representatives of foreign institutions.

74. Following sham local elections in March 1996, many activists of the Movement for the Survival of the Ogoni People had been persecuted and forced into hiding or exile, particularly in Benin. In preparation for the United Nations fact-finding mission to the Ogoni region, the Nigerian security forces had arrested and tortured dozens of people. The United Nations mission had described the situation as very grave and had implored the authorities to remedy it.

75. It was incumbent on the Commission to take tangible measures to restore the rule of law in Nigeria and to ensure that the authorities of that country - which was a party to various international instruments - recognized the legitimate rights of the Ogoni people. An independent commission should investigate the issue of arms imports into Nigeria by the Shell company and the recent extrajudicial execution of Ogoni refugees by Nigerian military personnel on the Benin border.

76. Mr. CHUKWUMA (International Federation of Human Rights) said that in Nigeria the military Government was continuing systematically to violate human rights and refusing to cooperate with the United Nations under the relevant special procedure. More than 30 Ogoni who had wished to meet the representatives of the Secretary-General of the United Nations had been arrested. Hundreds of journalists, trade unionists and human rights and democratic activists had been arrested, tortured or persecuted. The Commission should appoint a special rapporteur on Nigeria.

77. In Algeria, since the declaration of the state of emergency in 1992, numerous violations of fundamental rights, particularly the right to life, had been committed by the security forces and the terrorist groups. Journalists were special targets. The Government of Algeria should observe the international norms on states of emergency and resume negotiations in order to restore the rule of law.

78. In Chad, serious human rights violations were continuing as a result of the total impunity enjoyed by the guilty. Clashes between communities were extremely violent. The Commission should appoint a special rapporteur to report publicly on the situation in Chad.

79. In Bahrain, following a four-month truce from August to November 1995, the authorities had resumed their persecution of supporters of the constitutional movement. Under a new law enacted in February 1996 jurisdiction over criminal cases had been partly transferred from the criminal courts to the State Security Court. The Commission should monitor that situation.

80. In Turkey, the Constitution introduced after the 1980 military coup was still in force, a growing number of people were disappearing and torture was widely practised by the security forces. The Commission should condemn that situation and establish a monitoring mechanism.

81. In China, human rights activists and trade union or religious militants were still being persecuted. Thus, in December 1995 Wei Jinsheng, a Nobel Peace Prize nominee had been sentenced to 14 years' imprisonment for attempted subversion. The Commission should react against such massive, gross and systematic violations of human rights and adopt a resolution.

82. Finally, in Cuba, freedom of opinion, expression and association was still severely limited and human rights activists were persecuted. His organization did vigorously condemn the embargo imposed on Cuba by the United States, with its serious social and economic consequences, but it also urged the Commission to continue to monitor the situation.

83. Mr. CIURLIZZA (Andean Commission of Jurists) said that, in the Andean region, respect for human rights was jeopardized by institutional weakness and instability, social and economic difficulties, violence and drug trafficking. In Colombia and Peru, blind armed terrorism was a further source of serious violations of international humanitarian law and of fundamental rights as a whole. Frequently, the impunity enjoyed by those responsible was an additional obstacle to the strengthening of democracy. While some countries in the region had taken steps to combat impunity, in Peru impunity had been officialized, as a general amnesty law covered crimes committed between May 1980 and July 1995. That law was an affront to international human rights norms and in particular to article 18 of the Declaration on the Protection of All Persons from Enforced Disappearances.

84. In Colombia, acts of violence were committed by irregular armed groups and paramilitary groups, drug traffickers, the security forces and ordinary criminals. Political violence was said to be responsible for 10 victims each day, and the situation was particularly dramatic in the Urabá region. The dialogue between the Government and the guerilla groups was at a standstill and the President of Colombia was himself facing trial on charges of financing his election campaign with drug money. There was no magic solution to such a situation, but the Commission should clearly pronounce itself without delay on the measures to be taken. His organization welcomed the forthcoming establishment in Colombia of an office of the United Nations High Commissioner for Human Rights, whose mandate should encompass both cooperation with the Government and the Colombian people and supervisory functions, and whose reports should be publicly discussed in the Commission.

85. Mr. WAREHAM (International Association Against Torture (IAAT)) said that no country was free of human rights violations, although some Member States of the United Nations claimed to be beyond suspicion. Despite the disclaimers by the delegation of the United States, it was clear that the United States was the scene of racism, racial discrimination, xenophobia, poverty, injustice and torture. The situation of the 40 million Black Americans could not be ignored. The facts were that in the United States Diplomatic Service in 1993 only 6.7 per cent had been Blacks (1.4 per cent in high-level posts). In New York, the headquarters of the United Nations, the welfare services served 90,000 free meals every day, 30,000 of which were for children. In 2010, more than 50 per cent of Black Americans between the ages of 18 and 40 risked being in prison or in detention. The Black representatives of IAAT who possessed American citizenship were subject to harassment by the United States immigration services each time they returned to their country.

86. In the field of foreign policy, the blockade imposed for 35 years by the United States on Cuba, initially under the guise of the cold war, continued to deprive the population of a developing country of its most fundamental rights. In contempt of all the General Assembly resolutions condemning the embargo, the Government of the United States had recently adopted measures to further tighten the ratchet on the Cuban people. The United States had even gone so far as to threaten international trade in order to secure support from other countries.

87. At the previous meeting, the representative of the United States had referred to the annual State Department report on the human rights situation in the world and the report submitted by her Government to the Human Rights Committee as proof of the non-selectivity and capacity for self-criticisms of the United States in that sphere. However, in her statement she had only mentioned developing countries as being responsible for human rights violations. The Human Rights Committee had already deplored the United States reservations to the International Covenant on Civil and Political Rights and had noted that the United States was refusing to implement those aspects of the Covenant which had no counterpart in its own legislation.

88. His organization called on the United States to withdraw its reservations to the few instruments it had ratified and to take the long overdue step of ratifying the International Covenant on Economic, Social and Cultural Rights. In the spirit of the Vienna Declaration, the Commission should, for its part, appoint a special rapporteur to investigate the human rights situation in the United States of America.

89. Mr. GEBRIEL (World Federation of Democratic Youth) said that violations of fundamental rights were continuing in Nigeria. The transitional programme presented by the Government in October 1995, which had promised a return to democracy, carried little weight in view of the numerous measures restricting fundamental rights adopted since November 1993. Under the pretext of State security, the Nigerian authorities could, for example, arrest and detain anyone without charge or trial. Political opponents had been the first victims of that measure. In conformity with General Assembly resolution 50/199, the Commission should take the necessary steps - and the appointment of a special rapporteur would doubtless not be enough - to induce Nigeria to comply with its international human rights commitments.

90. In the Sudan, it was encouraging that the authorities had accepted the deployment of international human rights monitors, although in view of the persistent abuses, particularly in the south, the Commission should remain extremely vigilant. The authorities should cease their persecution of political leaders and students and take steps to improve the lot of women and children, who were occasionally held in slavery by certain State officials. In his most recent report (E/CN.4/1996/62), the Special Rapporteur of the Commission, Mr. Bíro, had been perfectly clear in that respect.

91. In Lebanon, Israel should immediately cease all acts of aggression. The indiscriminate bombardment of civilian targets had caused many victims, including children, and had compelled at least 450,000 people to leave their homes. In conformity with Security Council resolution 425 (1978) the restoration of peace required the withdrawal of Israel from those areas it was occupying in southern Lebanon.

92. Mr. JOHN (Commission of the Churches on International Affairs of the World Council of Churches) said that, according to the information received by his organization, the human rights situation in Nigeria, and particularly in the Ogoni areas, was deteriorating. Hundreds of people were allegedly being detained without charge, tortured or were the victims of extrajudicial executions. In addition, 21 Ogoni faced the threat of trial by the special military courts rather than the regular courts. The existence of the special

military courts, which had become the rule rather than the exception, was a blatant violation of the provisions of article 14 of the International Covenant on Civil and Political Rights, as the courts were an arm of the executive, and not the judicial, branch. In contempt of all legal and ethical norms, an armed gang was holding an entire population hostage in Nigeria. The Commission should appoint a special rapporteur to study the situation and adopt a forceful resolution to promote respect for fundamental rights in Nigeria. The Commission and its member States should also exert strong diplomatic, political and economic pressure on the Nigerian military regime in order to restore democracy.

93. Mrs. FAUCHERE (World Confederation of Labour) said that throughout the world the fundamental rights of men and women workers and of those who defended those rights were being violated by employers and Governments that refused to put into practice the international instruments to which they were parties. In some countries the situation was extremely serious.

94. In Argentina, for example, workers protesting against abusive dismissals had been wounded and even shot to death. In Bolivia, trade-union leaders protesting against government policy had been arrested and tortured. In Colombia, numerous trade unionists had suffered from violence. In Cuba, several leaders of a group of human rights organizations had been imprisoned and freedom of expression was still being stifled. In Guatemala, Honduras and Nicaragua, trade union militants were being persecuted. In Paraguay, the police had brutally put down a peasant demonstration. In Peru, the police had recently directed its attention to street traders.

95. The situation was also extremely serious in Rwanda, Burundi, the Sudan, Liberia, Equatorial Guinea and the Congo. In Iran, despite the Government's claims, the fundamental rights of workers were continually flouted. Lastly, she condemned the brutality and ill-treatment of workers in numerous firms in Viet Nam.

96. The CHAIRMAN said that the Commission had completed its discussion of agenda item 10.

The meeting rose at 6.05 p.m.